

Bristol City Council

Minutes of the Development Control B Committee

7 December 2022 at 2.00 pm



Members Present:-

Councillors: Ani Stafford-Townsend (Chair), Chris Windows (Vice-Chair), Lesley Alexander, Andrew Brown, Lorraine Francis, Katja Hornchen, Chris Jackson and Guy Poultney

Officers in Attendance:-

Gary Collins and Claudette Campbell (Democratic Services Officer)

11 Welcome, Introduction and Safety Information

The Chair welcomed all parties to the meeting and explained the arrangements in the event of an emergency evacuation procedure.

12 Apologies for Absence

Apologies for absence were received from Councillor Breckels, Councillor Jackson substituting.

13 Declarations of Interest

Councillor Hornchen as local Ward Member will withdraw from committee for the matter of 22.01878.P Land at Broom Hill Brislington Meadows; Councillor Brown as local Ward Member will withdraw from committee for the matter of 22.01199.PB Former School Site New Fosseway Road.

14 Minutes of the previous meeting

Resolved – that the Minutes of the 26th October 2022 be agreed as a correct record and signed by the chair.

15 Action Sheet

There were none.



16 Appeals

The Planning Co-ordinator, Development Management introduced the report.

The Land at Home Gardens Redland Hill Bristol: An appeal to the Planning Inspectorate, against the decision by this committee to refuse, has been heard with the decision pending. An update will be provided at the next meeting.

17 Enforcement

The Planning Co-ordinator, Development Management introduced the Report.

An update will be provided on the action taken, and being challenged, against a large HMO at 71 Ashley Hill.

18 Public forum

Members of the Committee received Public Forum Statements in advance of the meeting.

The Statements were heard before the application they related to and were taken fully into consideration by the Committee prior to reaching a decision.

19 Planning and Development

The Committee considered the following applications.

20 Amendment Sheet

The amendment sheet was shared with committee in advance of the meeting.

21 22.01878.P Land at Broom Hill Brislington Meadows BS4 4UD

Officer's presentation:

- a. Officers advised that this was a high profile application that was subject to an appeal against non-determination. The public inquiry was set to start on the 31st January 2023 and would run for 11 days over a 5 week period.
- b. Committee were asked to consider the grounds for refusal; Officers provided a brief overview of issues arising from the application.
- c. The application was for Outline Planning Permission in the Brislington East ward and comprises an irregular shaped parcel of land extending to 9.6 hectares; development of up to 260 new



residential dwellings (Class C3 use) together with pedestrian, cycle and vehicular access, cycle and car parking.

- d. The public consultation resulted in; 6 letters of support; 575 objections; 3 neutral to the development; In summary the concerns covered; impact on biodiversity and ecology; loss of open space for recreation. Health and wellbeing; loss of important/ancient hedgerows; loss of trees; impact on highway network.
- e. Officer's recommendation to Members was to resolve that if Committee had the power to determine the application, it would 'refuse' planning permission. The reasons for refusal had been amended following input from the Council's expert witnesses and were set out in the Amendment Sheet. These were:
 - 1) The proposed development is considered to result in significant harm to biodiversity, for which it provides neither adequate mitigation nor compensation (whether on or off site). The application is therefore considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM17 and DM19 of the Site Allocations and Development Management (2014), and paragraphs 174, 179 and 180a of the NPPF (2021).
 - 2) The proposed development fails to retain important hedgerows and trees within the proposal site and is therefore considered contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014).
 - 3) The proposal would lead to the loss and deterioration of Irreplaceable Habitat without either a wholly exceptional reason or a suitable compensation strategy. It is therefore contrary to the development considerations of allocation BSA1201 of the Site Allocations and Development Management (2014), policy BCS9 of Bristol Development Framework Core strategy (2011) policies SA1, DM15, DM17 and DM19 of the Site Allocations and Development Management (2014) and paragraph 180c of the NPPF.
 - 4) The proposed development fails to adhere to the landscape and urban design policy considerations by virtue of excessive damage to the existing features on the site. The proposed plans and supporting documents present unsympathetic responses to the natural assets on the site and surrounding context and would prejudice the future design and delivery of an appropriate scheme. The proposal will fail to meet the requirements of the NPPF; policy BCS21 of the Core Strategy 2011; and policies SA1, DM26, DM27, DM28 and BSA1201 of the Site Allocations and Development Management Policies 2014.
 - 5) In the absence of an appropriate agreement under s106 of the Town and Country Planning Act 1990, the proposed development fails to make provision for the following:
 - Affordable Housing,
 - Ecological Mitigation (including BNG Biodiversity Off Setting),
 - Financial Contributions towards Fire Hydrants, Public Transport Facilities, amending Traffic
 - Regulation Orders, Tree Planting, Training and Employment Initiatives,
 - Management and Maintenance of on-site Public Open Space,
 - Travel Plan Audit Fee and contribution,



- Highway works including cycle and pedestrian works though Bonville Trading Estate.
 - These are required in order to mitigate the impacts of the development. The proposal is therefore contrary to policies BCS10, BCS11 and BCS17 of the Bristol Local Plan: Core Strategy (2011) policies DM15, DM16, DM17, DM19, DM23 of the Bristol Local Plan: Development Management Policies (2014) and the Planning Obligations SPD (Adopted 2012).
- f. Officers request Members to agree that the Head of Development Management in consultation with the Head of Legal Services be authorised :-
- (a) To draft and sign the Council's Statement of Case for the appeal
 - (b) To agree and sign the Statement of Common Ground for the appeal
 - (c) To negotiate and complete any s106 obligation that can be negotiated with the applicant that mitigates the impact of the development
 - (d) To prepare and present the evidence on behalf of the Council based on the recommended reasons for refusal outlined in this report
 - (e) To take all necessary decisions arising during the course of the Inquiry proceedings relating to the presentation of the Councils case.

Debate

- a. Cllr Brown: expressed disappointment that the decision on the application is with the Planning Inspector; thanked Officers for compiling reasons for refusal.
- b. There was general consensus on the frustration of having a major application removed from the decision-making remit of committee.

Councillor Stafford-Townsend moved, seconded by Councillor Poultney and upon being put the vote, it was:

RESOLVED - (For (7); Against (0); Abstain (0))to accept the grounds for refusal as set out above, (e)1 – 5 and, the Delegated Authority set out in section (f) a-e.

22 22.01199.PB Former School Site, New Fosseway School BS14 9LN

The Officer's presentation:

- a. The application relates to the land of the former New Fosseway School in Hengrove. The site is located to the north of New Fosseway Road and to the west of the rear gardens of 625 to 681 Wells Road. This site is 3.4 hectares in size. The main access to the site is located between 12 and 14a New Fosseway Road. The northern end of the site is bounded by 1 to 7 Petherton Road, however there is no access from Petherton Road.



- b. The outline application, with all matters reserved except for means of access, is for the provision of up to 200 residential dwellings including extra care facility; along with car parking; landscaping and associated infrastructure.
- c. Plans and photographs were shared of the site.
- d. The outcome of the public consultation; of the 18 comments received; 17 objections; one general comment. The second round of consultation following changes to the proposal to mitigate road safety concerns resulted in 16 objections.
- e. Concerns had been raised concerning the distance between the boundary and the development. The design included the designated 21 metres distance between properties.
- f. The development includes dwellings identified as 'extra care' accommodation; future residents are projected to have lower levels of vehicle ownership.
- g. Officers recommended that committee grant the outline planning permission, subject to delegation to officers to finalise planning agreement and agree conditions.

Questions for Clarification

- h. 212 car parking spaces are included in the development; this is considered adequate to meet the needs of carers visits to clients.
- i. The two secondary schools in the vicinity create high footfall and traffic at the start and end of the school day; members asked if the two education settings had been consulted on the development; ask about the provision for highway adjustments to mitigate safety risks.
- j. The access road, as it exists now, will not be available to the school for overflow parking; not all of the existing highway issues will be resolved by this development; the scheme would look to make modification to the highway and these adjustments will mitigate a number of the issues.
- k. The land had been previously developed; seen as having previously been used for human activity therefore designated 'brown-field land' and not green-field.
- l. Members sought clarification on the term 'outline' application and what could be considered at this stage. The outline plan provides some details but should be considered as the framework for future design. The detail would be considered when the reserved matters are presented to committee. The future reserve application must align with the outline application; must adhere to the access and highways agreement set out in the outline application.
- m. Officers did not anticipate a change in the designation of the development because demand is high for affordable extra care developments.
- n. Officers noted the concerns expressed by members that they are being asked to consider an outline application with all other matters, that they would normally comment on, assigned to a, reserved application to be present in the future.

Debate

- o. Cllr Poultney noted that there was an unmet need for this type of accommodation; had some concerns that so much of the development would be considered in future reserved applications.
- p. Cllr Jackson happy to vote in favour as he was aware of the need and demand for assisted living accommodation.
- q. Cllr Alexander expressed her support due to the demand for this type of development.



- r. Chair moved, and Cllr Jackson seconded, that the committee support the officer recommendation to grant this 'Out line application', with the conditions set out in the report and further amended in the Amendment Sheet
- s. When put to the vote:
RESOLVED: (7 for; 0 against;) To Grant the outline planning permission, subject to planning agreements and conditions set out in the report together with those detailed in the Amendment Sheet.

23 22.03490.F Land at Derby Street Car Park BS5 9PH

The Officer's presentation:

- a. The application is for the installation of 8 modular homes (Solohaus) with associated on-site services, landscaping and amenity space to include bin store and cycle parking, remodelling of existing car park, and adjustment of existing access.
- b. The application is being led by Hill Group in collaboration with the Salvation Army and BCC.
- c. The dwellings will be for temporary/move- accommodation for former rough sleepers; maximum stay 2 years to provide stability, to enable them to develop independent living skills to then move onto longer term housing solution.
- d. The dimensions of each unit would only allow for a single bed for single person occupancy. Each unit would be 2.7 metres high, 7.9 metres deep and 3.8 metres wide providing a total of 24 Square metres of floorspace. The units include a living and kitchen area to the front, central shower room and a bedroom to the rear.
- e. The units will be placed into two groupings, between the units will be a grassed amenity area with planting.
- f. The locality is well served with a number of off-street parking areas; this carpark is underused; the car parking spaces will be reduced from 45 parking spaces to 23.
- g. The public consultation resulted in 40 comments; 3 in support and 37 objecting; concerns with regards to anti-social behaviour; density of housing in the area; loss of car parking; proximity to the pre-school and loss of parking at the time of pick up and drop off.
- h. The development would also address the unofficial use of the car park by the public house for storage and delivery.
- i. There are no major objections from statutory consultees.
- j. Officers recommend that planning permission is granted subject to planning agreement and conditions.

Questions for Clarification

- k. The issue of agent of change was raised; the units would be in the vicinity of two public houses; concerns raised about noise arising from these business and impact on tenants. Officers confirmed that all necessary assessments would be undertaken; that the design of the units protected occupants from noise egress and ingress; triple glazing is proposed; data gathered on noise generation; pub contact details would be made available to tenants.



- l. The flat roof known as a 'blue roof' is design to hold water until it drains away; the units will have a level of thermal efficiency that would assist in reducing energy bills; heat pumps and all mechanical ventilation units will be maintained by the Salvation Army.
- m. Amenity Areas: each unit have small areas to the front and back; amenity area between the two sets of units; there is a local park.
- n. The units are below space standards and have strict conditions on length of tenancy; concerns raised about the difficulty in moving on to permanent addresses and that 2 years may not be sufficient time; assurance were given that the tenant would be well be supported by the Salvation Army; conversations would be ongoing if this becomes a stumbling block.
- o. Concerns raised over the removal of parking spaces from the vicinity of an active high street; Church Road that is a showcase bus route with little to no on street parking; the assessment demonstrated that, after the removal of 22 spaces, there was sufficient car parking spaces in the area available for customers of local businesses.
- p. Officers confirmed that assessment reports supported that this is an appropriate location for such a scheme; the scheme in St George park was seen as a success; the tenants have access to local shops on Church Road and public transport.

Debate

- q. Chair was in support of a development that would meet the need accommodation; agreed that the location was appropriate; that the Salvation Army organisation brought with it added personal support to the occupants
- r. Cllr Francis expressed her concerns about the location; on a car park near public houses; acknowledged that the properties would be well managed, and occupants supported by Salvation Army in a way that would not be possible if they were tenants in a tower block.
- s. Cllr Jackson noted that the development was similar to one in his ward; he had concerns but noted that they work well to address the need for first step tenancy; the length of the tenancy would prove challenging due to the time it takes to access rented accommodation.
- t. Cllr Brown expressed his concern about the size of the modules but would support.
- u. Chair moved, and Cllr Poultney seconded, that members support the officer's recommendation to grant with the conditions set out in the report.
- v. When put to the vote:

RESOLVED: (7 for; 0 against; 1 Abstain) To Grant subject to the conditions set out in the report

24 22.01550.F 29 Hobhouse Close BS9 4LZ

The Officer's presentation;

- a. This is a retrospective application for retention of a dwelling; the final build deviated from the original approved plans.
- b. The original planning application allowed on appeal 11 July 2019; for the erection of new 2 storey dwelling attached to side of 29 Hobhouse Close and associated structures; new property with own post code



- c. Deviations: front bay window is the wrong design; white band is thicker than the others in terrace due to structural methods; no pillars installed; projecting structural walls at ground floor; additional window in first floor rear elevation; the garage to the rear of no.29 is no longer part of the property.
- d. The application was called in by the Ward Members; 90 objections from 42 individuals; concerns expressed ranged from the use of the property as an Airbnb; property modified from 2 bedroom to 5 bed property; the property is a small HMO not appropriate for the location; the property is detrimental to the parking situation in the area due to its use and occupancy; the front elevation of the property is incongruous with the character of the area; the internal arrangements do not match the approved scheme.
- e. The property was granted a Licence for a House of Multiple Occupation for 5 occupants (use class C4) by the Local Authority's private renting sector housing service.
- f. The short-term letting of the property does not require planning permission and does not form part of this application and should not be given any weight when making the final decision.
- g. The report sets out all the areas of consideration that the application must be weighed against and seeks with this application to remedy the deviation. Officers recommend the application for approval subject to conditions set out in the report.

Questions for clarification

- h. The issues that have arisen centre on no.30 which is tied to the application titled no.29 as it was built on the land owned by no.29.
- i. Members explored what options were available to committee to manage the use of the property to prevent it being used for short lettings to protect the amenity of the area.
- j. HMO License was issued in June 2022 for 5 occupants and restricts the property to an occupancy level that constitutes a C4 use.
- k. Issues of breaches of license for Houses of Multiple Occupation is a matter for the Private Housing Service and not a planning matter. It is for the Private Housing service to consider whether the use of this property, as an Airbnb, short-term let is in breach of any enforceable legislation. Evidence would need to be provided to enable the matter to be investigated.
- l. An owner of a property is able to reconfigure the rooms/space within the dwelling without any reference to planning. In this instance the owners have increased the number of bedrooms from 2 to 5.
- m. Questions were asked on what conditions could be attached to the grant of the application that would be enforceable, to address the concerns raised by local residents. Members were reminded that the matter would be for the Private Housing Service to address; that an advice note could be added but not a condition as that would be unenforceable.
- n. Members were reminded that the application before them was to remedy the deviation in the final construction of the property; that the applicant could appeal the decision for non-determination; should the appeal be successful the planning inspector would not consider conditions to mitigate current concerns.
- o. The Chair noted that there was no appetite to consent to the application without addressing local concerns on the way the property was being managed. It was proposed that Officers seek legal advice to determine what conditions can be applied from the plethora of legislation; to arrive at a form of words that can be applied and agreed at the next meeting of this committee.



- p. Members were happy for this matter to be deferred on that basis and when moved by the Chair, seconded by Cllr Francis, it was:

RESOLVED: (7 for; 1 against) That the consideration of the application be deferred to the next meeting of this committee on the 18th January 2023; that Officers seek legal guidance on the conditions that can applied on granting of the application.

25 21.01808.F 2 Birchwood Road BS4 4QH

Councillor Poultney left the meeting at 15:18

Officer's presentation:

- a. The application is for change of use of part of shop area from Retail to Take Away; not within a designated centre; it is a side extension to provide the additional space for kitchen area, and customer area with appropriate storage; operating from Noon to 10.30pm.
- b. The consultation resulted in 3 replies 2 objections and 1 letter in support; concerns with regards to parking; odour; density.
- c. The proposed takeaway is within 400 metre radius of Kingfisher School; Policy DM10 states that takeaways in close proximity to school and youth facilities are not permitted as they would likely influence behaviour harmful to health or promotion of healthy lifestyles.
- d. Pollution Control were unable to make a determination on the matter of noise arising from the extraction equipment and odour control. Although they are satisfied that there are no over concentration of takeaways within the area, no concerns with regards litter or late-night activity.
- e. Highway Safety: without the necessary traffic management report it was not possible to assess the impact of the potential increase of private car use and delivery vehicles; to make a final determination on the necessary mitigations to be applied.
- f. Officers looked to committee to refuse the application due to the Health impacts and unresolved Highway safety issues as detailed in the report.

Questions for Clarification:

- g. Members wondered why the application was with them for consideration. Officers advised that they could not come to an agreement with the applicant and his representative on the development. They were looking for them to provide a transport report and parking survey; site visits were made in March and April; attempts made to engage with the applicant but without success.
- h. The reports required must be undertaken by known accredited professionals and for this reason would result in additional expense for the developer. The Transport Consultant would report on the anticipated trips and vehicle movement; this would lead to a determination on the whether the current kerbside area would meet demand; An acoustic consultant would need to report on the mechanical noise associated with the business.



- i. Members noted the petition in support and sought assurance that the information being sought from the applicant was being asked of all making similar applications; enquired whether any small business support was available to the applicant.
- j. Officers confirmed that all such applications had to be considered in line with prevailing policy; that the small business economic team function did not cover this type of business.

Debate

- k. Cllr Brown: confirmed that he was in support of small business and if the applicant had delivered all reports he would have voted to grant.
- l. Cllr Francis: keen to support small business and although had sympathy for the applicant, would encourage him to complete the task required.
- m. Chair stated that committee was supportive of small businesses and would encourage the applicant to work with the planning department to move the application forward.
- n. Chair moved, seconded by Cllr Francis, that members support the Officers reasons for refusal, when put to the vote, it was:

RESOLVED: (6 for; 1 Abstain) That the applicant be refused for the reasons set out in the report

26 Date of Next Meeting

The next meeting 18th January 2023 at 6.30pm

Meeting ended at 5.46 pm

CHAIR _____

